

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

EDWARD ROY NEWSOME,

Petitioner,

v.

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:14-CV-70

REPORT AND RECOMMENDATION
TO DENY PETITIONER'S MOTIONS FOR LEAVE TO FILE
A PETITION FOR A WRIT OF HABEAS CORPUS and
TO PROCEED IN FORMA PAUPERIS, and
TO DISMISS PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner EDWARD ROY NEWSOME has submitted pleadings wherein he appears to be requesting leave of Court to file a federal petition for a writ of habeas corpus. In December 2010, this Court "barred [petitioner] from filing any further habeas action unless he first obtains the permission of a judicial officer for that filing." *Newsome v. Thaler*, No. 2:10-CV-0242. Petitioner has failed to show good cause as to why the bar should not be enforced. Consequently, petitioner's motions for leave should be DENIED.

Petitioner's pleading is, for the most part, unintelligible. To the extent the Court can decipher his allegations, petitioner appears to be challenging the response or denial of a September 2013 grievance filed with the prison system seeking review of numerous prior disciplinary proceedings instituted against petitioner. Petitioner appears to be challenging the ruling on the grievance rather than any specific disciplinary proceeding or a specific loss of an amount of good time as a result of a

disciplinary proceeding. Moreover, in his attached proposed habeas application, petitioner fails to set forth any grounds alleging specific deficiencies of any disciplinary proceeding, nor has he demonstrated any likelihood of success in this proceeding. Petitioner has not demonstrated why the bar, instituted as a result of petitioner's "extraordinarily abusive conduct in habeas actions filed in this and other courts," should be set aside. Further, petitioner has not demonstrated he should be allowed to proceed *in forma pauperis* in this case without prepayment of fees. All pending motions filed by petitioner should be DENIED, and petitioner's proposed petition for a writ of habeas corpus should be DISMISSED.

RECOMMENDATION

It is the RECOMMENDATION of the undersigned United States Magistrate Judge to the United States District Judge that the motions for leave filed by petitioner EDWARD ROY NEWSOME be DENIED, that petitioner's application to proceed *in forma pauperis* be DENIED, and petitioner's proposed petition for a writ of habeas corpus be DISMISSED.

INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a copy of this Report and Recommendation to each party by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED this 1st day of April 2014.


CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE

*** NOTICE OF RIGHT TO OBJECT ***

Any party may object to these proposed findings, conclusions and recommendation. In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is fourteen (14) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). **Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed** as indicated by the “entered” date. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(d).

Any such objections shall be made in a written pleading entitled “Objections to the Report and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge in this report and accepted by the district court. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1), *as recognized in ACS Recovery Servs., Inc. v. Griffin*, 676 F.3d 512, 521 n.5 (5th Cir. 2012); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).